

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

BETTY ANNE WATERS, as
Administratrix of the Estate of
KENNETH WATERS,

Plaintiff,

v.

TOWN OF AYER, et al.,

Defendants.

Case No. 04 Civ. 10521 (GAO) (JGD)

STIPULATION

Plaintiff Betty Anne Waters, as administratrix of the Estate of Kenneth Waters, and defendants Town of Ayer, Nancy Taylor-Harris, Arthur Boisseau, the estate of Buddy Decot, William Adamson, Sr. and Philip L. Connors (collectively, "the parties"), hereby stipulate and agree as follows:

1. Katharina Brow was murdered in her Ayer, Massachusetts home on May 21, 1980. Her purse, containing a large sum of cash, was stolen from the linen closet.
2. There was evidence that Mrs. Brow had struggled with her attacker.
3. Three hairs were collected from the crime scene, including one clutched in Katharina Brow's left hand and one found on a knife, believed to be the murder weapon, that was recovered in the waste basket in the kitchen.
4. Pre-DNA technology was used to examine these hairs before trial. Microscopic

examination revealed that these hairs did not come from Katharina Brow. Police believed that these hairs were left by the perpetrator.

5. Kenneth Waters was excluded as the source of these hairs before trial.
6. Police believed the perpetrator had cut himself and bled in the struggle.
7. Using pre-DNA technology, investigators identified two types of blood at the scene before trial: type B-positive, consistent with the victim, and type O, believed to have been left by the perpetrator. Both the victim's husband and Kenneth Waters, along with almost half of the male population, had type O blood.
8. Type O blood was identified on the floor of the entrance to the back left bedroom (Item # 32); the fibers of the bathroom rug (Item #3); the front of the left closet in the middle bedroom (Item #4); dishtowels recovered from the sink (Items #10A, B, D, E & F); the carpeting in the living room (Item #21); the curtain from the front door window (Item #22); the inside of the front door (Item # 23).
9. In 2001, DNA testing was conducted on the type O bloodstains. DNA testing determined that all of the type O blood was left by one man. Kenneth Waters was conclusively excluded as the source of that blood.
10. In light of those DNA results, with the consent of the Middlesex County District Attorney's Office, Kenneth Waters was released from prison on March 15, 2001.
11. On June 28, 2001, the Middlesex County District Attorney's Office withdrew the charges against Kenneth Waters by filing a *nolle prosequi*.

Dated: January 19, 2007

DEFENDANTS TOWN OF AYER,
NANCY TAYLOR-HARRIS, ARTHUR
BOISSEAU, ESTATE OF BUDDY DECOT,
WILLIAM ADAMSON, AND PHILIP L.
CONNORS

PLAINTIFF BETTY ANNE
WATERS

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